

III. REMARKS

Claims 1-2 and 4-11 are pending in this application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 2 and 4-11 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Choquier et al. (US Pat. No. 5774668), hereinafter “Choquier” in view of Agarwalla et al. (US Pat. No. 6985936), hereinafter “Agarwalla” in view of Coughlin (US Pub. No. 2004/0024861), hereinafter “Coughlin” in view of Yu et al. (US Pub. No. 2005/0193096), hereinafter “Yu” in view of Hurvig (US Pat. No. 5867652), hereinafter “Hurvig” and in further view of Minami et al. (US Pub. No. 2007/0253430), hereinafter “Minami.” Applicants respectfully request withdrawal of the rejections.

Regarding claim rejections under 35 U.S.C. 103(a), claim 1 reads in part:

“...wherein the context table contains at least one entry comprising ... a last received date and time of a last received service availability token from the content server, wherein said last received service availability token contains a percentage of availability for the content server... (Claim 1)(Emphasis added).

In its rejection, the Office posits that Coughlin discloses “the service availability token containing at least a percentage of availability of the determined content server.” (Office Action at 8; Coughlin at paras. 32, 35 and 40). Applicants respectfully disagree. At best, Coughlin discusses using a “load balancer” that “is able to compare the characteristic to thresholds or other servers to balance server load.” (Coughlin at para. 32). However, the load balancer of Coughlin is not disclosed as containing a “context table” or a “service availability token” as described in claim 1. Further, Coughlin fails to

disclose equivalents to these claimed features. Applicants respectfully request that if the Office is to persist in its rejection of claim 1 based upon Coughlin, that the Office provide its rationale for equating the load balancer of Coughlin with the context table and service availability token of claim 1. As Applicants submit that such a parallel cannot be made, withdrawal of the rejection is respectfully requested.

Applicants further submit that Choquier, Agarwalla, Yu, Hurvig and Minami fail, *inter alia*, to overcome the deficiencies of Coughlin. As such, Applicants respectfully request withdrawal of rejections based upon any and all combinations of Choquier, Agarwalla, Yu, Hurvig, Minami and Coughlin.

The dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner's analysis, combinations, and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Examiner's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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